IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 18435 of 2004**

Between:

Md.Babumiya E.No.87107, aged 50 years,

Ex-Driver,APSRTC, Medak Depot, Medak Dist.

**..... PETITIONER**

AND

1 The APSTRC rep.by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad
2 The Regional Manager, APSRTC Medak Region, Sanga Reddy
Medak District.
3 The Depot Manager, APSRTC, Medak Depot,
Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of Writ of Mandamus directing the respondents to reinstated the petitioner into service as per the order of Respondent No.2 vide Prorc.No.PA/675(61)/97 RM,MR dt. 21/02/1998.

**Counsel for the Petitioner: MR.B.H.R.CHOWDARY**

**Counsel for the Respondents: MR.V.T.M.PRASAD**

**The Court at the stage of admission made the following:**

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## ORDER:

The petitioner worked as a driver in the respondent Corporation. He was removed from service on 10.01.1995. The order was confirmed on 20.10.1997. In the review petition, the 2nd respondent passed an order on 21.02.1998, ordering reinstatement of the petitioner into service as a fresh candidate.

2. The petitioner contends that since he was not taken into service as a fresh candidate after the order of the 2nd respondent, he submitted a representation on 10.03.1998 to the 3rd respondent for implementation of the order of the 2nd respondent. The petitioner further contends that as no orders have been passed by the 3rd respondent, he submitted another representation on 18.06.2004, but it did not see the light of the day. The petitioner, therefore, approached this Court seeking a direction to the 3rd respondent to reinstate him into service as per the order dt.21.02.1998 passed by the 2nd respondent.

3. The learned counsel for the respondent contends that the petitioner did not pursue the matter for a period of 8 (eight) years and now he came with the present writ petition seeking implementation of the order of the 2nd respondent dated 21.02.1998. But the learned counsel for the respondent Corporation could not lay his hand whether any orders have been passed on the representations made by the petitioner in pursuance of the order of the 2nd respondent dated 21.02.1998.

4. The learned counsel for the respondents submitted that the petition couldn't be maintained on the ground of latches on the part of the petitioner. Since the 3rd respondent did not pass any orders in pursuance of the order of the 2nd respondent dated 21.02.1998, the request of the petitioner cannot be denied on the ground of latches.

5. In the light of the above circumstances, the 3rd respondent is directed to pass appropriate orders on the representations of the petitioner dated 10.03.1998 and 18.06.2004 regarding the implementation of the order of the 2nd respondent dated 21.02.1998, within 2 (two) months from the date of receipt of a copy of this order.

6. The Writ Petition is, accordingly, disposed of. No costs.

**Note:**

**Issue CC in two days.**

**B/o**

**Dsr.**

ASSISTANT REGISTRAR

To:

1. The Chairman & Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Regional Manager,APSRTC,

Medak Region, Sanga Reddy, Medak District

3. The Depot Manager, APSRTC,

Medak Depot, Medak District

4. Two CD copies.